

## Certificate of Appropriateness Appeals Form

Town of Buena Vista Historic Preservation Commission 210 E. Main St. Buena Vista, CO 81211

Please reference section 19.16 of the Town of Buena Vista Ordinance No. 14 (series of 2016) regarding the Historic Preservation appeals process:

- a. To whom. Any person aggrieved by an administrative decision of a matter set forth in Section 7-10 may appeal the decision to the Historic Preservation Commission by following the procedures set forth in this Section. Any person aggrieved by a Historic Preservation Commission decision may appeal the decision to the Board of Trustees by following the procedures set forth in this Section.
- b. Notice of Appeal. A formal notice of appeal shall be filed with the Town Clerk no later than fifteen working days from the date of decision in conformance with the requirements of this section. Within seven working days of the receipt of the appeal, the Town Clerk shall transmit a copy to the staff liaison for review of completeness. Within ten working days of transmittal by the Town Clerk, the staff liaison shall examine the appeal and advise the Town Clerk if it is complete or not. If the appeal is found to be incomplete, the Town Clerk shall return it to the appellant for revision. Appellant shall have five working days to file an amended appeal. Failure to file an amended appeal within said five days will result in the appeal being deemed withdrawn.
- c. Scheduling of Appeal. The Town Clerk shall schedule a complete appeal for the next regularly scheduled meeting of the Historic Preservation Commission or Board of Trustees, as applicable, that allows for publication and posting required per Section 7 (c), and at which adequate time is available to hear the appeal.
- d. Criteria for Review of an Appeal. Appeals shall be reviewed on the basis of the record of the administrative action or the Historic Preservation meeting to determine the following:
  - i. If the Design Guidelines were adhered to; and
  - ii. If the Code was interpreted or applied erroneously.
- e. Stays of Decisions. A perfected appeal shall operate as a stay of the decision unless determined otherwise by the Historic Preservation Commission or Board of Trustees, as applicable.
- f. Once scheduled, an appeal may only be postponed by the aggrieved party upon a showing of good cause.
- g. Powers upon Appeal. The Historic Preservation Commission or the Board of Trustees, as applicable, shall have the power to affirm, reverse, modify or remand for additional review the action under appeal. The hearing shall be limited to matters raised on appeal. No new evidence shall be admitted at a public hearing.
- h. Failure to Appeal. The failure to appeal within the fifteen-day period shall be deemed to be a waiver of the applicant's or a party in interest's right to appeal for failure to exhaust administrative remedies.

## I. Notice of Appeal

I, Buer	, hereby file this Notice of Appeal from the final order of the a Vista Historic Preservation Commission concerning Certificate of Appropriateness Number I am (Please check one):
	a) The person who filed the application for the Certificate of Appropriateness;
	b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied the Certificate of Appropriateness;
	A person, other than a member of the Board of Trustees, who provided a written statement or who testified before the Historic Preservation Commission and who is suffering or will suffer an adverse effect to an interest protected or furthered by the Town of Buena Vista Historic Preservation Ordinance. The statement must have been in writing, expressing a position on the merits of the application for the Certificate of Appropriateness, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the Historic Preservation Commission, and which was delivered to and received by the Historic Preservation Commission or Town Clerk by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application for the Certificate, or which is read into the record at the public hearing, or distributed to the Commission at the hearing, with a copy to the Commission's staff.  Supporting Documents
comp	lete your Notice of Appeal, you must submit the following documents with this
	(1) A copy of the Final Order on the Certificate of Appropriateness you are appealing.
	(2) If you checked I.(c) above, you must provide a statement of your interest
	sufficient to show how you are or will be adversely affected by the Commission's decision Please provide this statement in the space below. If you need additional space, please attach a separate sheet.

1 44 1	description in the space below. If you need additional space,
please attach a sepa	rate sheet.
mission's staff, who Certificate, or who	e names and addresses of the persons, certified by the Com- testified before the Commission about the application for the provided a written statement to the Commission about the ap- tan two, please attach on additional pages, as needed.
Name:	Name:
Address:	Address:
Mailing Address:	
Mailing Address:  Daytime Phone:	Email:
Mailing Address:  Daytime Phone:  V. Certification	Email:
Mailing Address:  Daytime Phone:  V. Certification  Please read, sign and da  I have read and underst certify that I have provious of Buena Vista Historic this Notice of Appeal is that it may be rejected for the second	Email: On